

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES PERSON]	
Plaintiff,]	
]	
v.]	No. 3:10-1038
]	Judge Campbell
NORMAN LEWIS, et al.]	
Defendants.]	

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Montgomery County Jail in Clarksville, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against Norman Lewis, Sheriff of Montgomery County; and Captain Doug Tackett, Administrator of the Jail; seeking damages.

The plaintiff alleges that on an unspecified date, he was attacked by a federal pre-trial detainee who was being held at the Jail. The plaintiff claims that he was injured because federal inmates were not segregated from county inmates such as himself.

The plaintiff can not sue the defendants solely because of their status as supervisors or chief executive officers. 42 U.S.C. § 1983 will not support a claim posed on a respondeat superior theory of liability. Polk County v. Dodson, 454 U.S. 312, 325 (1981). Where there is no allegation of participation, either directly or indirectly, by a supervisor in an allegedly wrongful

act, the complaint fails to state a cause of action upon which relief can be granted. See Dunn v. Tennessee, 697 F.2d 121, 128 (6th Cir.1982), *cert. denied*, 460 U.S. 1086 (1983).

In this instance, there has been no showing that the defendants had knowledge of a potential attack upon the plaintiff. In fact, the defendants are not even mentioned by the plaintiff in his recitation of the events which led to the assault. Consequently, this action is subject to dismissal because the plaintiff has failed to state a claim against the defendants upon which relief can be granted. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.


Todd Campbell
United States District Judge